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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :

Henriette GOURDEAU et al.

Serial No.: 10/824,563

Group Art Unit: Unassigned

Filed: April 15, 2004

Examiner: Unassigned

For: METHODS OF TREATING LEUKEMIA

**INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§ 1.56, 1.97 and 1.98**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This information disclosure statement is made in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98 as follows:

Timing and Fees

- ☒ Under 37 C.F.R. § 1.97(b), no fee or statement is required for filing this information disclosure statement is filed:
- ☐ within three months of the filing date of a national application other than a CPA under § 1.53(d);
  - ☐ within three months of the actual filing date of the national phase of a PCT application; OR
  - ☒ before the mailing of a first substantive office action (including after filing of an RCE).
- ☐ Under 37 C.F.R. § 1.97(c), this information disclosure statement is filed after the periods specified in 37 C.F.R. § 1.97(b), but before the mailing date of:
- ☐ a final rejection under 37 C.F.R. 1.113;
  - ☐ termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR
  - ☐ a notice of allowance under 37 C.F.R. § 1.311; and

is accompanied by:

- ☐ the statement as specified in 37 C.F.R. § 1.97(e) set out below; OR
- ☐ a check covering the fee of \$180.00 under 37 C.F.R. § 1.17(p).
- ☐ Under 37 C.F.R. § 1.97(d), this information disclosure statement is filed after the mailing date of the following actions which have not been withdrawn:
  - ☐ a final action under 37 C.F.R. § 1.113;
  - ☐ termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR
  - ☐ a notice of allowance under 37 C.F.R. § 1.311;

AND is filed on or before payment of the issue fee; AND is accompanied by:

- ☐ the statement as specified in 37 C.F.R. § 1.97(e) as set forth below, and the fee of \$180.00 under 37 C.F.R. § 1.17(p).

Statements Under 37 C.F.R. 1.97(e)

- ☐ Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application having a mailing date not more than three months prior to the filing date of this information disclosure statement; or
- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned attorney after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of the information disclosure statement.

Cited Materials

- ☐ Copies of materials listed but not attached were cited in \_\_\_\_\_.
- ☐ Copies of materials listed but not attached were cited in an international search report dated \_\_\_\_\_.
- ☐ Copies of the materials listed are attached (except for the foregoing).

### Non-English Language References

☐ An English-language search report or equivalent paper from a foreign patent office is provided indicating the relevance of the cited reference(s).

☐ A foreign-language search report from a foreign patent office is provided, and pertinent parts are translated substantively below:

X = document of particular relevance when it is taken alone

Y = document of particular relevance when it is combined with another such document

A = document defining the general state of the art

O = non-written disclosure

P = intercalated document

T = document cited to understand the theory or principle underlying the invention

E = patent document which has the benefit of a date earlier than the filing date and which was published only on or after this filing date

D = cited in the application

L = cited for another reason

& = publication of member of same patent family

☐ Translation of other relevant information on foreign search report

### ☒ Other Information

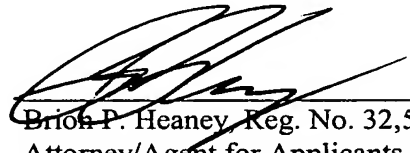
The instant application has claims drawn to the treatment of leukemia comprising administering cytarabine and a compound of formula I. The instant application also has claims drawn to a composition or a combination comprising cytarabine and a compound of formula I.

Related copending application Serial No. 10/853,241 (filed May 26, 2004) has claims drawn to the treatment of leukemia comprising administering cytarabine and a compound of formula I in a ratio of 1:250 to 250:1 and claims drawn to the treatment of leukemia comprising administering cytarabine and a compound of formula I in a synergistic ratio. The applications also has claims drawn to compositions and combinations containing cytarabine and a compound of formula I in a ratio of 1:250 to 250:1 or in a synergistic ratio. This application also has claims drawn to the treatment of cancers other than leukemia.

Payment of Fees Due (If Any):

- ☐ A check for \$\_\_\_\_\_ covering the fee identified above is attached.
- ☐ Please charge to Deposit Account No. 13-3402 \$\_\_\_\_\_ for the fee identified above.
- ☒ The Commissioner is hereby authorized to charge or credit any overpayment to Deposit Account #13-3402, two copies of this paper are attached for this purpose.

Respectfully submitted,

  
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BPH/rrt